

AMENDMENTS TO THE CLAIMS:

This listing of claims will replace all prior versions, and listings, of claims in the application:

Claims 1-39 (Canceled).

40. (Currently Amended) A mask assembly comprising:

a frame,

a cushion; and

headgear,

wherein at least one of the frame, cushion and the headgear includes a usage indicator ~~[[as]]~~ to indicate a usage condition of the mask assembly wherein the usage indicator comprises at least a portion of the frame that is made of a material that exhibits stress whitening after repeated movement.

41. (Cancelled)

42. (Currently Amended) A mask assembly according to claim ~~[[41]]~~ 40, wherein the stress whitening takes the form of a warning signal.

43. (Currently Amended) A mask assembly according to claim 42, wherein the warning ~~signal is in the form of one or more words~~ forms a readable message.

44. (Previously Presented) A mask assembly according to claim 40, wherein the usage indicator provides an indication of over usage after no more than 14 days of usage.

45. (Original) A mask assembly according to claim 42, wherein the usage indicator is exhibited after no more than 7 days of usage.

46. (Currently Amended) A mask assembly comprising:

a frame;

a cushion provided to the frame;

a cushion clip provided to secure the cushion between the cushion clip and the frame via a first connection; and

a swivel elbow provided to the frame via a second connection,

wherein at least one of the first and second connections is provided via a one-way snap

which will deform and/or break upon attempt to disassemble to render the mask unusable.

47. (Original) A mask assembly according to claim 46, wherein the first connection includes a rod provided to the cushion clip which passes through at least one of the cushion and the frame, wherein the rod includes an enlarged head portion which allows assembly of the cushion clip to the frame, but substantially prevents removal of the cushion clip from the frame.

48. (Previously Presented) A mask assembly according to claim 46, wherein the second connection comprises an undercut provided on the frame and at least one tab member provided on a portion of the swivel elbow.

49.-57. (Cancelled)

58. (Currently Amended) A mask assembly comprising:

a frame;

an elbow provided to the frame and including an inlet conduit; and

a valve member provided ~~between the frame and~~ at the interference of the elbow in the frame, the valve member being configured to allow breathing of ambient air and to prevent back flow of gas towards the inlet conduit of the elbow in an unpressurized state.

59. (Original) A mask assembly according to claim 58, wherein the elbow includes an internal cylindrical tube in communication with atmosphere and a dome that supports the tube, and

wherein any back flow is guided through the tube and not the inlet conduit in the unpressurized state.

60. (Previously Presented) A mask assembly according to claim 58, wherein the elbow includes at least one inlet slot structured to allow ambient air to be channeled between the valve member and the frame for supply to the patient, when operating in the unpressurized state.

61. (Previously Presented) A mask assembly according to claim 59, wherein the valve member is structured to separate from the tube during operation in a pressurized state, to thereby allow pressurized gas to enter an aperture of the frame.

62. (Previously Presented) A mask assembly according to claim 58, wherein the valve member creates an audible indicator during operation in a pressurized state.

63. (Original) A mask assembly according to claim 62, wherein the valve member creates the audible indicator upon proper assembly.

64. (Original) A mask assembly according to claim 62, wherein the valve member creates the audible indicator upon improper assembly.

65. (Original) A mask assembly according to claim 58, wherein the elbow includes a center tube portion and an inner tube suspended from a dome portion of the elbow.

66. (Original) A mask assembly according to claim 65, wherein the inner tube communicates with the atmosphere via a profiled end that is smaller towards atmosphere.

67. (Previously Presented) A mask assembly according to claim 65, wherein the center tube portion includes an aperture near its connection to the dome portion and is generally aligned with the inlet conduit.

68. (New) A mask assembly according to claim 40, wherein the material is polypropylene, polyethylene, or PETE.

69. (New) A mask assembly according to claim 40, wherein the frame has a wall thickness of approximately 0.25 - 1 mm.

70. (New) A mask assembly according to claim 69, wherein the frame has a wall thickness of about 0.5 mm.

71. (New) A mask assembly according to claim 40, wherein an intensity of the stress whitening and/or an area of the frame that exhibits stress whitening increases after repeated movement.